

AUG 20 1993

Before the
Federal Communications Commission
Washington, DC

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORP.)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
OHIO RADIO ASSOCIATES)	File No. BPH-911231MC

For Construction Permit for an
FM Station on Channel 280A in
Westerville, OH

To: Administrative Law Judge
Walter C. Miller

MOTION TO ENLARGE THE ISSUES AGAINST ASF BROADCASTING, INC.

Shellee F. Davis ("Davis"), by her attorney, hereby requests that the issues be enlarged against ASF Broadcasting Corporation ("ASF") in this proceeding as follows:

To determine whether ASF Broadcasting Corporation was financially qualified at the time its application was filed, and if not, the effect thereof on its basic qualifications to be a Commission licensee.

With respect thereto, the following is stated:

ASF's principal executed its application on December 26, 1991, proposing a non-direction, 3 kW operation. See Attachment 1. ASF stated that its budget to construct and operate its station was "\$90,000," which it claimed would be satisfied in the amount of "\$196,000" each from its principal Thomas J. Beauvais and \$12,500 from Ardeth S. Frizzell.

See Attachment 2. On March 5, 1992 (prior to the deadline for filing amendments as a matter

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of right), ASF amended its proposal to specify use of a directional 6 kW antenna. Attachment 3. The amendment did not, however, amend ASF's proposed budget for constructing the station.

The Standard Document Production Order requires all parties to produce:

All bank letters and other financing documents with the dollar amounts unexpurgated

47 C.F.R. § 1.325(c)(1)(v). In response to the Standard Document Production Order on May 7, 1993, ASF produced a document entitled "Shareholder's Agreement" wherein it was revealed that while Mr. Beauvais and Ms. Frizzell have provided commitments to ASF in the amount of up to a total of \$100,000 for the legal, engineering, and other reasonable expenses to be incurred by ASF prior to grant of a construction permit to ASF (see Attachment 4 at 3), Mr. Beauvais has committed only "\$100,000" (as opposed to the \$196,000 claimed in ASF's application) for the costs to be incurred to lease the proposed station's equipment and for operating the station for three months. See Attachment 4 at 3-4.

In the course of document production, balance sheets from ASF's principals were provided to the other parties, as required under the Standard Document Production Order, along with a copy of the "ASF Broadcasting Corporation Cost of Operations for 90 Days Projection." See Attachments 5 and 6. While ASF's budget includes costs of operation (including use of leased equipment from Mid-Ohio Communications, Inc. (the former licensee of Station WBBY, the station which vacated the frequency at issue in this proceeding, whereby Mid-Ohio has agreed to lease the tower site (tower and building) located at State Route 37, Sunbury, Ohio; studio facilities located at 14 Dorchester Court, Westerville, Ohio; and "some or perhaps all of the equipment" listed on an inventory of equipment provided by Mid-Ohio (see Attachment 7)),

no budget estimates have been prepared by ASF for the purchase of additional equipment that is not to be supplied by Mid-Ohio. Attachment 6. At the deposition in this proceeding held on July 13, 1993, Ms. Frizzell testified that her balance sheet (which reflected her financial condition as of December 31, 1992) was not prepared until early 1993 (Attachment 8 (TR 65)) and this was the first balance sheet ever prepared by her on her behalf. Attachment 8 (TR 69).

ASF originally stated that it could construct and initially operate its station for three months for "\$90,000," utilizing an omnidirectional antenna (such as would be supplied as part of the Mid-Ohio lease). See Attachments 2 and 7. Although ASF later amended its proposal, and ASF is proposing now to operate with a directional antenna (to enable it to restrict radiation in the direction of WTTF-FM to 3 kW, but to project 6 kW ERP in the other directions), as she testified, she does not believe that Mid-Ohio owns a directional antenna (Attachment 8, TR 74), and she has testified that she would have to purchase such an antenna. Attachment 8, TR 75. Nevertheless, ASF never amended its budgetary estimates in its March 5, 1992 amendment as a matter of right (or thereafter) to account for that increased cost. Additionally, although ASF has proposed to include emergency power generating equipment at its station (see Attachment 9), she is not aware whether Mid-Ohio owns such equipment or that it will be part of the equipment that will be supplied to her (Attachment 8, TR 76-77). In fact, emergency power generating equipment is not on the list of equipment Mid-Ohio has proposed to lease to ASF (Attachment 7). The estimated expense to purchase and install a directional antenna is \$21,450. Attachment 10. The estimated cost for emergency power generating equipment is \$32,000. Attachment 11.

Under the Commission financial qualifications standard, an applicant must be

financially qualified at the time its application is filed, or else its application is not acceptable for tender and is subject to dismissal. Amendment of Part 73 of the Commission's Rules to Modify Processing Procedures for Commercial FM Broadcast Applications, 7 FCC Rcd 5074, 5078 n.24 (1992). Pursuant to the requirements contained in the version of the FCC Form 301 adopted in 1989, an applicant:

must estimate the initial costs of constructing and operating the facility proposed in the application. The estimate for constructing the facility should include, but is not limited to, costs incurred for items listed below. In calculating costs for the items below, determine the costs for the items in place and ready for service, including amounts for labor, supervision, materials, supplies, and freight:

Antenna System...

RF Generating Equipment...

Monitoring and Test Equipment...

Program Origination Equipment...

Acquiring Land...

Acquiring, Remodeling or Constructing Buildings...

Services (including legal, engineering, and installation costs); and

Other Miscellaneous Items...

Attachment 12. Section III(C) of the Instructions states:

Documentation supporting the certification of financial qualifications need not be submitted with the application but must be available to the Commission upon request.

Attachment 12.

The Review Board stated in Las Americas Communications, Inc., 1 FCC Rcd

786, 788 ¶ 10 (Rev. Bd. 1986), that written documentation is the sine qua non for financial qualifications. As the Commission stated in Northampton Media Associates, 4 FCC Rcd 5517 (1989), in overruling Las Americas:

Prior to 1981, the Commission required broadcast applicants to submit, with their applications, extensive written documentation supporting their financial qualifications, including "a detailed itemization of projected expenditures and sources of funds...a balance sheet, a statement of year income and assorted documentations." See, e.g., Revision of FCC Form 301, 30 RR 2d 381, 382 ¶ 6 (1981). Where an applicant was relying on individuals rather than financial institutions for funds, the applicant also had to demonstrate sufficient liquid assets to enable that individual to meet his financial commitment to the applicant. See Midwestern Broadcasting Co., 15 FCC 2d 720, 721-22 ¶ 5 & n.1 (1968). Thus, as the Board has observed, written documentation was at that time the sine qua non for financial qualifications. Las Americas Communications, Inc., 1 FCC Rcd 786, 788 ¶ 10 (Rev. Bd. 1986), applications for review pending. And, if a broadcast applicant failed to submit all of the required documentation, a financial issue was specified against that applicant.

Id. at 5518. Although the Commission departed for a time (from 1981-89) from a standard which required the contemporaneous preparation of financial documentation at the time the application was initially executed, as the Commission observed in Northampton, that standard was reinstated in 1989:

As this proceeding acutely demonstrates, comparative hearings would be greatly simplified if all applicants had written documentation of their financial qualifications at the time of certification. Accordingly, the Commission adopted a Report and Order in General Docket No. 88-328 on March 30, 1989, which revised the FCC Form 301 to strengthen the financial certification requirements. Revision of Application for Construction Permit for Commercial Broadcast Station, 4 FCC Rcd 3853 (1989). There, the Commission retained the requirement that a broadcast applicant check whether or not it has "sufficient net resources on hand or... available from committed sources to construct and operate the requested facilities for three months without revenue." 4 FCC Rcd

at 3859 ¶ 42. In order to ensure that applicants are correctly certifying their financial qualifications, however, the Commission revised its application form to require that applicants also submit costs estimates and identify each source of funds. *Id.* Under the revised form, a broadcast applicant need not submit the underlying documentation to verify its costs estimates, but it must actually have such documentation on hand when it submits its application. 4 FCC Rcd at 3859 ¶ 43.

Id. at 5519 ¶ 18 (emphasis added).

Based upon this precedent, a financial issue is required against ASF for several reasons. First, by its own admission, ASF did not have in its possession at the time its application was filed a balance sheet reflecting the ability of Ms. Frizzell to meet her financial obligations to ASF. This was in direct violation of the requirements contained in the current version of the FCC Form 301. Thus, it was impossible for ASF to have has a valid "reasonable assurance" of the availability of financing at the time its application was filed. Additionally, ASF's budget estimates operating costs, but fails in all respects to include functionally crucial items contained in its proposal, specifically its proposed antenna (\$21,450) and emergency power generating equipment (\$32,000). Based upon the limitations contained in the Stockholder's Agreement which provides for the availability only of \$100,000 in funds, this creates a short-fall in ASF's funding in an amount of at least \$43,450. Finally, ASF apparently is proceeding under the assumption that all remaining equipment for the initial operation of the station can be simply leased from Mid-Ohio. However, the terms of the lease letter plainly state only that "some or perhaps all" of the equipment on the inventory list will be made available. See Attachment 7 (emphasis added). Nevertheless, ASF's budget includes no provision for the purchase of replacement equipment for the four equipment categories specified

by the Commission in its FCC Form 301.¹

The Commission has stated:

The test to be used regarding the nature of the showing required to reopen the question of the adequacy of the applicant's finances will be...limited to a showing of misrepresentation or gross omission of some decisionally significant item which would render the proposal decisionally defective.

Revised Processing of Broadcast Applicants, 72 F.C.C.2d 202, 222 (1979). From the available evidence, it appears that ASF has indeed omitted "decisionally significant items" from its budget, and consequently, was not financially qualified at the time it filed its application. These omissions on the part of ASF therefore also warrant the addition of the requested financial qualifications issue.

Conclusion

Discovery in this proceeding has revealed a score of shortcomings in ASF's financial qualifications. Accordingly, the requested financial issue is fully warranted.

Timeliness

The deposition of ASF's principal occurred on July 13, 1993, and a transcript of the deposition became available on August 10, 1993. This Motion is being filed within 15 days of the discovery of the new facts, and is therefore timely filed under Section 1.229(b) of the Commission's Rules.

¹ In contrast, although Davis is proposing to use the Mid-Ohio equipment, she has prepared a "worst case" budget which allows funds sufficient to purchase replacement equipment for the Mid-Ohio equipment, in the event the Mid-Ohio equipment becomes unavailable prior to the execution of a lease between Davis and Mid-Ohio, along with a \$50,000+ financial cushion.

Requested Documents

It is requested that ASF be ordered to abide by the Instructions and Definitions contained in the "Request for Production of Documents" submitted by Davis against Westerville Broadcasting Company Limited Partnership on June 26, 1993. All references to "WBC" or its principals should instead refer to "ASF Broadcasting Corporation " or "ASF" or its principals, Ardeth Frizzell and Thomas Beauvais. ASF should be required to produce the following documents:

Request 1. Copies of all budgets and business plans (formal or informal) prepared with regard to the proposed construction and operation of ASF's original and currently proposed station and copies of notes, memoranda, letters, price lists or other information used in conjunction with the preparation of the budgets.

Request 2. Copies of all documents reflecting any assurance or commitment of funds, provision of funds, or agreements or understandings for the purchase of stock or proposed extensions of credit, from any source which ASF has relied upon at any time in conjunction with its application in this proceeding.

Request 3. Balance sheets or financial statements of any person or entity (except financial institutions or equipment manufacturers) ASF has relied upon at any time in support of its financial qualifications for its proposed station.

Request 4. Copies of all documents or notes reflecting any oral or written information (including business plans) provided by ASF to any person or entity (including proposed lenders or providers of credit) that ASF has (1) solicited, or (2) relied upon, to establish its eligibility for a loan or extension of credit for its proposed station, and any response or information ASF

subsequently received in response to such solicitations.

Request 5. For each person or entity (other than financial institutions or equipment manufacturers) who at any time agreed to furnish funds, purchase stock, extend credit, or guarantee loans for ASF for its proposed station, (1) his balance sheets or financial statements covering the periods of time such agreement to furnish funds, purchase stock, extend credit, or guarantee loans was in effect; (2) all documents establishing his ability to furnish funds, purchase stock, extend credit, or guarantee loans (including copies of documents establishing the accuracy of the information provided on the balance sheets or financial statements, including copies of bank statements, stock certificates, promissory notes, and appraisals); and (3) all documents showing his net income after federal income tax for the two year period preceding such agreement to furnish funds, purchase stock, extend credit, or guarantee loans to ASF, and for all periods during which the agreement or understanding was in effect; (4) all documents evidencing any other commitments to provide funding provided by such source.

Request 6. All documents withdrawing or revoking (or evidencing any withdrawal or revocation of) any oral or written understanding or agreement by any person or entity to provide funds or credit to ASF with respect to its proposed station.

Request 7. Copies of all documents reflecting bills or retainer requests that have been issued to ASF in conjunction with its application but have remained unpaid.

Request 8. For each person or entity who already has supplied funds, purchased stock, extended credit, or guaranteed loans, a copy of the agreement (if any) obligating (or evidencing the willingness of) the person or entity to furnish funds, and documents evidencing the amounts furnished, the terms of repayment (if any), the rate of interest (if any), and security provided

(if any).

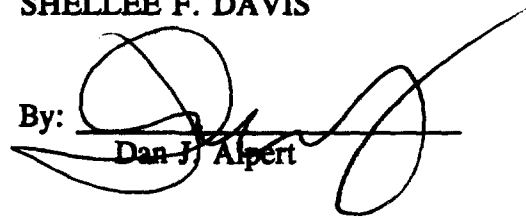
WHEREFORE, it is respectfully requested that this Motion be granted, and that the issues be enlarged in this proceeding against ASF Broadcasting Corporation, as requested.

Respectfully requested,

SHELLEE F. DAVIS

1250 Connecticut Ave.
7th Floor
Washington, DC 20036
(202) 637-9158

By:

A handwritten signature in black ink, appearing to read "Dan J. Alpert", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Dan J. Alpert

August 20, 1993

ATTACHMENT 1

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

ASF Broadcasting Corp.

Call letters (if issued)

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: 12-30-1991

Purpose of Application: (check appropriate box(es))

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

DUPLICATE COPY

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
280	Westerville	Franklin	OH

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3

☐ C2 ☐ C1 ☐ C

Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 1.5 km SE of Sunbury on St. Rd. 37, Delaware Co., OH. site is 14 km NNE of Westerville.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	40	14	04	Longitude	82	50	20
----------	----	----	----	-----------	----	----	----

Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. former WBBY (FM)

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

DNA

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	Longitude	°
----------	---	-----------	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

No change in EXISTING

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) Pine Lake (PVT)	6.4	270
(b) _____	_____	_____

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level: _____ 311 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ 124 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] _____ 435 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground _____ 110 meters (H)

_____ 110 meters (V)

(2) above mean sea level [(aX1) + (bX1)] _____ 421 meters (H)

_____ 421 meters

(3) above average terrain _____ 109 meters (H)

_____ 109 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-3

9. Effective Radiated Power:

(a) ERP in the horizontal plane

_____ 2.5 kw (H) _____ 2.5 kw (V)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.
DNA

_____ kw (H) _____ kw (V)

-Polarization

SECTION V-B - FM BROADCASTS: ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 316 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 316 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☒ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
Disc.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
DNA

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
DNA

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent areas of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(a) and 73.316.)

Exhibit No.
A

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-1

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 815 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km) and population (latest census) within the predicted 1 mV/m contour.

Area 1,815 sq. km. Population 322,927

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
DNA

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 60-second database ☐ 7.5 minute topographic map

(Source: NGDC-TPG-0050)

☐ Other *(briefly describe)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 6)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
212	148.1	15.8	27.6
0	96	12.6	22.8
45	68	10.8	19.2
90	76.4	11.3	20.3
135	90.7	12.3	22.1
180	116.5	13.9	24.9
225	144.7	15.6	27.3
270	143.1	15.5	27.1
315	136.7	15.0	26.6

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.)


Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311. Exhibit No.

If No, explain briefly why not. This application meets the requirements of OET Bulletin No. 65 and is categorically excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules, because it does not (1) involve a site location specified under Section 1.1307(a)(1)-(3); (2) involve high intensity lighting under Section 1.1307(a)(6); or, (3) result in human exposure to radio frequency radiation in excess of the applicable standards specified in Section 1.1307(b) of the Commission's Rules.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
E. Harold Munn, Jr. & Associates, Inc.	Technical Consultant
Signature 	Address (Include ZIP Code) Box 220 Coldwater, MI. 49036
Date December 23, 1991	Telephone No. (Include Area Code) (517) 278-7339

SECTION VII - CERTIFICATION (Page 5)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant ASF BROADCASTING CORPORATION	Signature <i>Redeth S. Frizzel</i>
Date <i>December 26, 1991</i>	Title President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 46 minutes to 801 hours 50 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3030-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

ATTACHMENT 2

SECTION III - FINANCIAL QUALIFICATIONS

NOTE If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 90,000.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Ardeth S. Frizzell 164 S. Grener Road Columbus, OH 43228	(614) 878-8559	President, Treasurer & Secretary	\$12,000.00
Thomas J. Beauvais 2725 Lahser Road Southfield, Michigan 48034	(313) 353-4520	Non-voting	\$196,000

ATTACHMENT 3

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File no. _____
ASB Referral Date _____
Referred by _____

Name of Applicant

ASF Broadcasting Corp.

DUPLICATE COPY

Call letters (if issued)

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate box(es))

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Specify briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
280	Westerville	Franklin	OH

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 1.5 km SE of Sunbury on St. Rd. 37, Delaware Co., OH. Site is 14 km N-NE of Westerville

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	40°	14'	04"	Longitude	82°	50'	20"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

former WBBY-FM

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

DNA

SECTION V-3 - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?
If Yes, list old coordinates.

☐ Yes ☒ No

Latitude	Longitude
----------	-----------

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

No change in EXISTING structure

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) PINE LAKE (Pvt)	6.4 km	270°
(b)		

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level: 311 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 124 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 435 meters

- (b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 110 meters (H)

110 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 421 meters (H)

421 meters (V)

(3) above average terrain 109 meters (H)

109 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-3

9. Effective Radiated Power:

(a) ERP in the horizontal plane 5 kw (H) 5 kw (V)

- (b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

kw (H) kw (V)

-Polarization

10. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.
E-4

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 316 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 316 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☒ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
DNA

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
Disc.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
E-7

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent areas of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(a) and 73.318.)

Exhibit No.
A

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-1

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 315 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km) and population (latest census) within the predicted 1 mV/m contour.

Area 2,048 sq. km. Population 604,037 (1990 Census)

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 60-second database

☐ 7.5 minute topographic map

(Source: NGDC-TPG-0050)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
212	148.1	19.0	32.4
0	96.0	10.0	17.9
45	68.0	11.4	20.4
90	76.4	13.4	23.9
135	90.7	14.5	25.9
180	116.5	16.8	29.1
225	144.7	18.8	32.0
270	143.1	17.2	29.6
315	136.7	12.1	21.9

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.)


Would a Commission grant of this application come within Section 11807 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 11811. Exhibit No.

If No, explain briefly why not. This application meets the requirements of OET Bulletin No. 65 and is categorically excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules, because it does not (1) involve a site location specified under Section 1.1307(a)(3)-(5); (2) involve high intensity lighting under Section 1.1307(a)(6); or, (3) result in human exposure to radio frequency radiation in excess of the applicable standards specified in Section 1.1307(b) of the Commission's Rules.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
E. Harold Munn, Jr. & Associates, Inc.	Technical Consultant
Signature 	Address (Include ZIP Code) Box 220 Coldwater, MI. 49036
Date February 17, 1992	Telephone No. (Include Area Code) (517) 278-7339